REMARKS

Status of the Application

Claim 36 is pending in the application. Claim 36 is rejected under §112 and §103(a).

Claim Rejections under 35 U.S.C. §112

Claim 36 is rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleges that the term "abnormal response" is indefinite and needs clarification in the claim language. The Applicant respectfully traverses this rejection for at least the reasons below.

Without conceding the merit of Examiner's rejection, claim 36 has been amended to state further "wherein said abnormal response exists when said electronic commerce transaction entities has a problem in connecting between themselves." Applicant has amended the claim in order to further clarify the claim limitation, without adding new matter.

The Federal Circuit's decision in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard. Further, terms are to be given their ordinary and customary meaning which may be evidenced by the remainder of the specification. Id at 1327. Also, the meaning attached to a term is the meaning one ordinarily skilled in the art would ascribe to it.

The term "abnormal response" is given a full explanation on page 34 of the original specification, where the specification states that "the meaning of expression (10) [page 34, lines 8-10] is a conditional definition for calculating frequency that generates the abnormal response. In the case of high frequency, it is estimated that the electronic commerce transaction entity has a problem in terms of the application system to be connected." The specification clearly defines

the claim terminology. Also, one ordinarily skilled in the art would recognize and understand the meaning of an "abnormal response" as one which is not in conformance with the usual responses in a system. In plain language, the term abnormal is understood to be a situation which is easily identifiable as one that is outside the norm, and therefore the term "abnormal response" is not unclear in its meaning and the term is not indefinite.

Thus, Applicant asserts that claim 36 does not fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully requests that the Examiner withdraw the §112 rejection with regards to claim 36.

Claim Rejections under 35 U.S.C. §103(a)

Claim 36 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over US Patent 6,314,517 to Moses et al. (Moses) in view of US Patent 5,956,404 to Schneier (Schneier). Applicant respectfully traverses this rejection for at least the reasons below.

The Examiner cites Moses, col. 7, lines 54-67 through col. 8, lines 1-54 as disclosing an electronic commerce transaction audit system with the various limitations of the Applicants claim. However, Moses does not disclose that "said electronic notarize means vie with each other to take a mutual notarization of said all exchange messages recorded and stored." Applicant points out that this limitation improves reliability of an auditor and the entire system itself. This vying system is non-obvious in that mutual notarization has not been mentioned or suggested at in the prior art cited, in Moses or in Schneier.

The Examiner also states that Moses discloses a "cumulative estimation control means for recording said audit result ..." in column 5, lines 32-45 and figures 3-5. The Applicants claim limitation here recites that a log analyze means is associated with an ID of each electronic commerce transaction entity. The cited reference in Moses refers to a digital signature of a

subscriber for verification by a bank and notary. Further it provides for identification of a specific latency period for the specific subscriber through the certificate revocation list (CRL). In contrast, the current claimed invention involves associating a specific log analyze means with an electronic commerce transaction identity. Each individual transaction is being associated with one of the log analyzing means for cumulative estimation. Moses does not suggest or disclose this limitation and it would not have been obvious to one ordinarily skilled in the art.

Schneier is further cited as disclosing an audit information service means, when there is a provision request for audit information. The Examiner does not directly point out which portions of Schneier disclose an audit information service means when there is a provision request. While the Examiner does cite column 3, lines 26-27, this passage relates to tracing back what has happened in the audit trial whether a hardware of software problem has occurred. Schneier further claims that this approach "wastes valuable space". Please see Schneier, column 3, lines 30-34. This particularly states a method of obtaining an audit trail of the past. Applicant's limitation is interested in provisioning what may occur in the future to facilitate the log analyzer means accordingly. In particular, Applicant believes that there is no disclosure or suggestion of an audit information service means with provisioning, which treats that matter in the future.

In view of the above, Applicant believes that the Examiner erred in stating that the current invention claim 36 is obvious and disclosed by Moses in view of Scheier. The Applicant submits that neither Moses or Schneier, nor the combination of the two disclose, teach or suggest the limitations in the current invention. Therefore, Applicant respectfully requests Examiner withdraw the §103(a) rejection with regards to claim 36 and permit the claim to allowance.

Conclusion

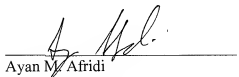
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Ayan M. Afridi
Registration No. 63,444

Date: January 27, 2009